

Appln No. 10/069,201

Amdt dat Decemb r 5, 2003

R ply to Office action of June 5, 2003

REMARKS/ARGUMENTS

Claims 1-27 are pending in this application, of which claims 1 and 27 are independent. Claims 1-7, 17 and 22 have been amended. Claim 27 has been added. The amendments and new claim add no new matter and find full support in the application as originally filed. In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-26 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 1, 2, 3 and 5 to obviate this rejection. Accordingly, Applicant respectfully requests that the rejection of claims 1-26 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Drawings

The Examiner has objected to the drawings, stating that "the drawings do not clearly illustrate the various features of the invention due to the shaded areas in the figures." Applicant submits herewith five (5) sheets of formal drawings to replace the original informal drawings. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

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Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kojima (U.S. Patent No. 5,045,656). Applicant respectfully traverses this rejection. Claim 1 is directed to a switch to be mounted on a design element in the passenger room of a motor vehicle, comprising a haptic element and a flexible conductor having electric and/or electronic switch elements, "wherein the haptic element comprises an actuator connected to the operating element, wherein the actuator actuates at least one of the plurality of switch elements when the operating element is actuated."

Kojima is directed to a built in indicator switch having, for example as shown in FIG. 28 a depressible operational cover 28 moveable in the directions of arrow A. Depressing the operational cover 28 causes an elastic moveable member 30 to apply a force on an actuator 261, which is mounted directly to a switch 26. Depressing the actuator 261 activates the switch 26. The Examiner seems to imply that the operational cover 28 is analogous to the claimed operating element. However, the actuating means 261 of Kojima is connected directly to the switch 26 and is not connected to the operational cover 28. As such Kojima does not disclose, teach or suggest a haptic element that comprises "an actuator **connected to the operating element**, wherein the actuator actuates at least one of the plurality of switch elements when the operating element is actuated" (emphasis added) as is specified by claim 1.

In addition, claim 1 recites a haptic element having a socket zone, wherein "the socket zone of the haptic element

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receives the switch elements." The Examiner makes no mention of Kojima having an element that is analogous to the claimed haptic element, nor does the Examiner mention an element of Kojima that is analogous to the claimed the socket zone of the haptic element. The only element of Kojima that receives the socket is holder 14, which merely forms a housing. As such Kojima does not disclose, teach or suggest a haptic element having a socket zone, wherein "the socket zone of the haptic element receives the switch elements." as is specified by claim 1.

Consequently, for either of the reasons given above, Kojima does not anticipate claim 1. Claims 2-26 depend from claim 1. Claim 1 is now believed to be in condition for allowance over Kojima. As such, Applicant submits that claims 2-26 are also allowable over Kojima as being dependent from an allowable base claim and for the additional limitations they contain therein.

For example, claim 2 recites that "the actuator is an electrical conductor." As previously stated, claim 1 requires that the actuator is connected to the operating element. Kojima does not contain an element that is analogous to the claimed operating element that is connected to "an electrical conductor" as recited in claim 2. As such, for this additional reason, Kojima does not anticipate claim 2.

Claim 3 recited that "the actuator is an electrical bridge." As previously stated, claim 1 requires that the actuator is connected to the operating element. Kojima does not contain an element that is analogous to the claimed operating element that is connected to "an electrical bridge " as recited

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in claim 3. As such, for this additional reason, Kojima does not anticipate claim 3.

Claim 7 recites that "the actuator of the haptic element has as a single electrically conductive component which can be coupled electrically with at least one of the switch elements." Only the switch actuator 261 of Kojima can be electrically coupled to the switch 26. Kojima does not a actuator connected to an operating element as required by claim 1 and " coupled electrically with at least one of the switch elements" as required by claim 7. As such, for this additional reason, Kojima does not anticipate claim 7

Accordingly, Applicant respectfully requests that the rejection of claims 1-26 over Kojima under 35 U.S.C. § 102(b) be withdrawn.

New Claims

New claim 27 has been added and is directed to a switch to be mounted on a design element in the passenger room of a motor vehicle. Kojima does not teach, disclose or suggest each and every limitation of claim 27. As such, Applicant respectfully submits that claim 27 is in condition for allowance over Kojima.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1-27 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be

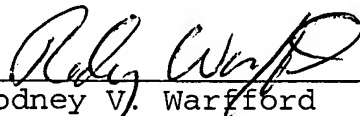
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addressed by telephone, Applicant invites the Examiner to
contact the undersigned at the number indicated.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Rodney V. Warfford
Reg. No. 51,304
626/795-9900

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